

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL GLASER**, on January 22, 2003 at  
3:00 P.M., in Room 317-C Capitol.

**ROLL CALL**

**Members Present:**

Sen. Bill Glaser, Chairman (R)  
Sen. Bob Story Jr., Vice Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Edward Butcher (R)  
Sen. Mike Cooney (D)  
Sen. Jim Elliott (D)  
Sen. Royal Johnson (R)  
Sen. Jeff Mangan (D)  
Sen. Tom Zook (R)

**Members Excused:** Sen. Don Ryan (D)

**Members Absent:** None.

**Staff Present:** Tari Elam, Committee Secretary  
Connie Erickson, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion  
are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted:

Executive Action: SB 16; SB 76; SB 81; SB 96; SB 97

**EXECUTIVE ACTION ON SB 76**

***{Tape: 1; Side: A; Approx. Time Counter: 1.7 - 2.4}***

**Motion/Vote:** SENATOR TOM ZOOK moved that SB 76 DO PASS. Motion carried 8-0.

**EXECUTIVE ACTION ON SB 81**

***{Tape: 1; Side: A; Approx. Time Counter: 2.7 - 10.0}***

**Motion:** SEN. ZOOK moved SB 81.

SENATOR MIKE COONEY brought to the Committee's attention an amendment to the original bill. The amendment allows for the inclusion of Vietnam veterans and those former members of the armed services who may no longer reside in Montana but were citizens of Montana at the time of service.

SENATOR MIKE COONEY moved AMENDMENT SB008101.ACE

**Discussion:**

SENATOR BOB STORY sought clarification from SEN. COONEY on a portion of the amendment, asking whether an individual who was a resident of New York who moved to Montana could receive this honorary diploma. SEN. COONEY replied in the affirmative.

SENATOR EDWARD BUTCHER expressed his concerns regarding the inclusion of Vietnam veterans and how this diploma might effect the labor force. Specifically, will granting this diploma change their job status? SEN. COONEY explained, noting SEN. BUTCHER's concerns as being very similar to those vocalized before, this is an honorary diploma and therefore not likely to change anyone's status. The purpose is to acknowledge those who for whatever reason ended their academic pursuits in order to enlist. SEN. BUTCHER inquired whether the diploma conveys that full graduation requirements have been met. SEN. COONEY explained the document has not yet been created by the students at Project For Alternative Learning, so it will be fairly simple to modify any language in the document. And, further, it is the intent of the Office of Public Education that this document will clearly convey its honorary status.

SEN. STORY concurred with SEN. COONEY regarding the status of an honorary high school diploma, stating it is unlikely it could be used to advanced one's position.

**SENATOR JIM ELLIOTT** also concurred, noting that anyone who might receive this diploma would already be in their fifties; an additional restraint on potential misuse.

**Vote:** Motion on **SB008101.ace** carried unanimously.

**SEN. COONEY** conveyed information related to him regarding 14 WWII or Korean Veterans presently living in Glendive who are very excited about this legislation.

**Motion/Vote:** **SEN. ELLIOTT** moved that **SB 81 DO PASS AS AMENDED**. Motion carried unanimously; **SENATOR DON RYAN**, *in absentia*, via proxy.

**EXECUTIVE ACTION ON SB 96**

**{Tape: 1; Side: A; Approx. Time Counter: 10.3 - 30.5}**

**Motion:** **SEN. STORY** moved that **SB96 DO PASS**.

**CONNIE ERICKSON** advised the Committee the bill has been amended by **SB009603.ace**. She explained this amendment provides protection for the collective bargaining process by requiring any change in the school calendar to become part of the process. In the event there is no collective bargaining unit then Trustees are responsible for negotiating the change with affected employees.

**Motion:** **SEN. STORY** moved **SB009603.ACE**.

**Discussion:**

**CHAIRMAN BILL GLASER** noted the bill as amended also provides protection for established labor law regarding hours/days worked in a single week.

**SEN. BUTCHER** expressed concern over the amendment, which by its content may transfer too much authority to employees over policy decisions. **SEN. BUTCHER** continued noting that although employees needs are definitely to be considered, they should not be the overriding factor; accordingly, he is in opposition to the amendment.

**SEN. STORY** requested authorization to pose a question to **Mr. Erik Feaver** of **MEA-MFT**; without objection. **SEN. STORY** inquired whether the amendment's requirement would subject a school to

negotiation in the event a single day during the course of the year needed to be changed. **Mr. Feaver** replied in the negative, noting the amendment simply protects the bargaining process. If a school wanted to have fewer days, necessarily resulting in longer days, then the decision would be subjected to the bargaining process.

**SENATOR TOM ZOOK** requested authorization to pose a question to **Mr. Feaver**; without objection. **SEN. ZOOK** inquired whether the amendment might cause problems in the case where a contract has been entered into between a teacher and the district and subsequent changes are made to the academic calendar. **Mr. Feaver** indicated the amendment allows for input by various employees. He does not believe a school district would utilize the ability to change the academic calendar in an abusive manner.

**CHAIRMAN GLASER** noted contract law requires negotiation occur before a labor agreement can be modified.

**Vote:** Motion **carried 8-1 with BUTCHER voting no.**

**SEN. ELLIOTT** inquired whether this Committee holds votes open to allow for members not present to express their concerns.

**CHAIRMAN GLASER** said if a member is absent and has not provided specific instructions via a proxy, and the issue is either contentious or closely divided, it is his policy to allow some latitude so as to provide an opportunity for that member to register his vote. **SEN. ELLIOTT** then asked whether on crucial matters it would be possible to hold a vote open for twenty-four hours. **CHAIRMAN GLASER** responded by explaining it is his policy to respect the interests of every member of the Committee, however, it is not possible to hold votes open for twenty-four hours. If the minority interest changes the outcome, then every effort to acquire the absent member's input will be made.

**Motion:** **SEN. STORY** moved that **SB 96 DO PASS AS AMENDED.**

**Discussion:**

**SENATOR ROYAL JOHNSON** explained his experience is that teachers are already working nine or ten hours a day to accomplish what is necessary. The idea of changing instructional time to ten hours a day is very problematic. **SEN. JOHNSON** believes the system works the way it is, changing to a four day school week is not a good idea.

**SEN. BUTCHER**, in response to **SEN. JOHNSON**, indicated he sees this as providing for a personal day off. If a teacher would like to

prepare, participate in extracurricular activities, or have the day off, this provides them with the ability to do so.

**SEN. COONEY**, in response to **SEN. JOHNSON**, agrees there are some concerns with the possibilities. However, since the legislation is permissive in nature it does no more than provide schools with a tool to address issues particular to their district.

**SENATOR JEFF MANGAN** expressed his support, noting the bill is permissive in nature and important for local control. If a school decides to try this for a year and the results are undesirable, they have the ability to make changes.

**SEN. ZOOK** noted the possible negative effects for teachers who are subject to the change.

**SEN. ELLIOTT** offered that while problems may occur the same problems arise with a five day work week. He stated the issue is local control.

**Vote:** Motion **carried with JOHNSON and ZOOK voting no; SEN. RYAN, in absentia, voting yes** via proxy.

#### EXECUTIVE ACTION ON SB 97

**{Tape: 1; Side: A; Approx. Time Counter: 30.6 - 31.4}**

**{Tape: 1; Side: B; Approx. Time Counter: 1.3 - 1.8}**

**Motion/Vote:** **SEN. STORY** moved that **SB 97 DO PASS**. Motion carried unanimously; **SEN. RYAN, in absentia, via proxy**.

#### EXECUTIVE ACTION ON SB 16

**{Tape: 1; Side: B; Approx. Time Counter: 2.0 - 11.0}**

**Motion:** **SEN. MANGAN** moved that **SB 16 DO PASS**.

#### Discussion:

A question was posed to **Connie Erickson** regarding whether an amendment exists. **Ms. Erickson** replied in the negative. She noted an amendment was offered by **MTSBA** during the hearing on the bill, however, no one on the Committee had requested an amendment be written.

**SEN. MANGAN** informed the Committee that he and **CHAIRMAN GLASER** discussed the proposed amendment. They also discussed what the original legislation was intended to accomplish: to establish a process by which a territorial transfer petition can be submitted, together with the criteria necessary to make the decision. He outlined the criteria establish as contained in the bill. **SEN. MANGAN** is not certain an amendment setting an arbitrary percentage of taxable value is a good idea. He stated the bill has in its criteria the appropriate guidelines already.

**SEN. JOHNSON** indicated, as previous discussion has covered, local control is the issue. He was assured by **SEN. MANGAN's** explanation that this bill addresses that issue.

**Vote:** Motion **carried unanimously; SENATORS RYAN, COONEY, AND GLASER, in absentia, via proxy.** [PLEASE NOTE: AFTER ADJOURNMENT, SENATOR MANGAN REQUESTED THIS BILL BE PULLED FOR RECONSIDERATION. HIS REQUEST WAS GRANTED BY CHAIRMAN GLASER. THE BILL, TOGETHER WITH AMENDMENT SB001601.ace, WAS RECONSIDERED ON 27 JANUARY 2003.]

**ADJOURNMENT**

Adjournment: 4:15 P.M.

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SEN. BILL GLASER, Chairman

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TARI ELAM, Secretary

BG/TE

**EXHIBIT** (eds13aad)